

COMMISSION MEETING MINUTES

Indiana Fire Prevention and Building Safety Commission

Government Center South
302 West Washington Street
Indianapolis, Indiana 46204
Conference Room B

May 4, 2011

1. Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's regular monthly meeting was opened by Chairman David Hannum at 9:05 a.m. on May 4, 2011.
 - (a) Commissioners present at the Commission meeting:

Diana M. H. Brenner
Ron Brown
Michael Christoffersen
Michael Corey
David Hannum, Chairman
Todd Hite, representing the Commissioner, Department of Health
John Hawkins
Matt Mitchell
Ted Ogle, Vice-Chairman
 - (b) Commissioners not present at the Commission meeting:

Kevin Goeden, representing the Commissioner, Department of Labor
 - (c) The following departmental and support staff were present during the meeting:

Legal and Code Services:

Mara Snyder, Director, Legal and Code Services
Shelly Wakefield, Manager, Code Technical Development
Denise Fitzpatrick, Code Specialist
Cecilia Ernstes-Boxell, Code Specialist
John Hibner, Code Specialist
Beth Sutor, Secretary
 - (d) James Schmidt, Deputy Attorney General, and Gary Bippus, Administrative Law Judge, were present.

2. Old Business.

Chairman Hannum called for any corrections or a motion to approve the minutes of the April 5, 2011 meeting as distributed. A motion to approve the minutes was made by Commissioner Brenner and seconded by Commissioner Mitchell. It was voted upon and carried.

3. Ordinances.

Building Ordinance No. 2009-2
Markleville, Indiana

Shelly Wakefield, Manager of Code Technical Development, introduced the proposed ordinance, and referred to her memo to the Commission recommending approval. Commissioner Ogle moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

4. Third Party Inspections

Pyramid1, Inc.
19260 Co. Rd. 46
PO Box 463
New Paris, IN 46553

R.R. Arnold & Associates, Inc.
700 E. Beardsley Ave.
PO Box 1081
Elkhart, IN 46515

Mara Snyder, Director of Legal and Code Services, advised that the Division of Fire and Building Safety recommended approval. Commissioner Corey moved to approve, with the second by Commissioner Mitchell. It was voted upon and carried.

5. Variances.

Tabled Variances.

Variance 11-03-7 PNC Bank, Indianapolis, was to file an addendum with Plan Review. Mara Snyder asked that the application be tabled for 30 days to determine whether the required addendum was filed. Commissioner Corey moved to table, with the second by Commissioner Mitchell. It was voted upon and carried. Variance 11-04-8 Markle Reception Center, Markle, was represented by Melissa Tupper, RTM Consultants. She explained that, because the second floor had only one exit, the use of Chapter 34 was not an option. She requested permission to lock off the second floor, so they would qualify for the use of Chapter 34. They would install fire alarms and smoke detectors on the second floor. When asked about sprinklers, it was noted by Tracy Goetz, owner, that their cost had been estimated at between \$50,000 and \$60,000. Commissioner Hawkins moved to approve, with the second by Commissioner Brenner. It was voted upon and carried with one nay vote. Variance 11-04-10 Youth Inc. Wired Coffee House, Evansville, was represented by Roger Lehman, RLehman Consulting. A revised application to use Chapter 34 using B occupancy instead of an A-3 for the building area evaluated had been submitted, and had been acknowledged by the local fire department. They were to enclose the stairs with Type 5X drywall, and install rated doors on the rear entry stairway. The vestibule for the second floor stairway was enclosed and separated from the rest of the building. Commissioner Christoffersen suggested that an addendum for the easement for the stairway be written. The occupancy was to be 100, though the calculated occupancy was 119. There is no kitchen in the building. Maintaining a clear path of travel for the exiting was discussed. Commissioner Brenner moved to approve with the conditions that no tables and chairs were to be set up in the lobby,

which is the space directly to the right of the air lock, that the middle stair exit from the second floor be enclosed in 1-hour construction, and that a permanent easement be written for the stairway. Commissioner Hawkins made the second. It was voted upon and carried. Variance 11-04-11 Lakewood Home Assisted Living Facility, Petersburg, was represented by Tom Schroeder. Steve Perrin, Amco Elevators, also addressed the Commission. The request was to use a roped hydraulic elevator in the conversion of a home to an assisted living facility. The device was a vertical wheelchair lift, with enclosed cab, swing door, and constant pressure controls. The home lacked the room for a regulation elevator. There will be buffers in the pit with a stop switch. The car will have a stop switch on top and in the pit. Commissioner Corey moved to approve, with the second by Commissioner Mitchell. It was voted upon and carried. Variance 11-04-24 East Central Apartments, Ft. Wayne, was represented by Todd Harpst, agent for the owner. The request was for the removal of fire hoses. The 2 two-story buildings had 15 apartments per floor, with two standpipes per floor. The fire department had said they would use their own equipment in an emergency event. Commissioner Mitchell moved to approve, with the second by Commissioner Brown. It was voted upon and carried. Variance 11-04-25 Restaurant and Bakery Remodeling, New Carlisle, was represented by Doug Trent, RTM Consulting. He was assisted by the owner, John Antonucci. The request was to delete the required sprinkler system. The building had been looked at under Chapter 34, but it had failed to pass. The three-story building had a bar on the second floor. The areas were separated by an 18" brick wall, but windows in it prevented it from being used as a firewall. Following discussion, Commissioner Hawkins moved to approve, with the second by Commissioner Christoffersen. It was voted upon and carried.

Regular Variances.

Chairman Hannum called for any variances to be pulled from the block vote for individual consideration. Commissioner Brown called out variance 11-05-27 JAE Hardwoods, Wolcottville, 11-05-29 Meadowview School, Topeka, 11-05-31 Hidden Cove, Shipshewana, and 11-05-40 Hoosier Pride Farms LLC Processing Facility, Bryant. Commissioner Christoffersen noted he would abstain from voting on 11-05-41 Dave's Lake Shack, Fremont. Commissioner Mitchell noted he would abstain from voting on 11-05-19 VFW Lehr Post #6246, Noblesville. Commissioner Brenner noted she would abstain from voting on 11-05-12 IU Sports Complex Parking Garage, Indianapolis. Commissioner Corey made the motion to approve the following variances with an "A" or "B" review rating by staff, with the second being made by Commissioner Christoffersen. It was voted upon and carried.

The following variances were approved as submitted:

- (1) 11-05-2 Jefferson County Courthouse, Madison
- (2) 11-05-3 Chamber of Commerce Building Fire Hose Removal, Indianapolis
- (3) 11-05-6 St. Joseph Regional Medical Center, Mishawaka
- (4) 11-05-8 Meridian Shoreland Apartments, Indianapolis
- (5) 11-05-14 Nemcomed 2011 Building Addition, Ft. Wayne
- (6) 11-05-15 St. Meinrad Bede Hall Renovation, St. Meinrad
- (7) 11-05-17 Hamilton Southeastern High School Soccer Restrooms/Concession, Fishers
- (8) 11-05-18(a)(b)(c) Caterpillar Tornado Shelter, Franklin
- (9) 11-05-20 Lassus Bros. Oil Convenience Store, Ft. Wayne
- (10) 11-05-21 Brightpoint Allpoints, LLC, Plainfield
- (11) 11-05-25 Johnson Junction #1, Huntington
- (12) 11-05-26 Purdue University Windsor Residence Halls Renovation Phase V, West Lafayette
- (13) 11-05-28(a)(b) Le Merigot Hotel Pedestrian Link, Evansville
- (14) 11-05-32 Oak Street Funding, Carmel
- (15) 11-05-35(a) Iotron Industries New Building, Columbia City
- (16) 11-05-38 DeFouw Chevrolet, Lafayette
- (17) 11-05-43 New Castle Correctional Facility, New Castle
- (18) 11-05-45 617 E. Moody Drive Windows, Bloomington
- (19) 11-05-47 Sycamore Terrace Apartments, Terre Haute
- (20) 11-05-49 Tell City Junior-Senior High School, Tell City

The following variances were heard separately:

- (21) 11-05-1 St. Mary's Medical Center Fire Hose/Cabinet Removal, Evansville

Required information had not yet arrived in the morning mail delivery. Mara Snyder, Director of Legal and Code Services, asked that the variance be heard later on the agenda. Chairman Hannum agreed to the request.

- (22) 11-05-7 Mother Bear's Pizza, Bloomington
11-05-36 Schenk Living Quarters, Evansville

The proponents for these applications had requested they be tabled. Commissioner Corey moved to table, with the second by Commissioner Mitchell. It was voted upon and carried.

- (23) 11-05-5 Sherman Park Building #2, Indianapolis

Calvin Holtquist, CEO, and Jim Bryant, trainer, spoke as proponents. The request was to omit the sprinkler system. Disposal Alternative Organization is a community recycling training center for the VA Wounded Warrior program. They are located in the old RCA building which had been vandalized and stripped of metal. They have locked doors on the outside with panic hardware on the inside, boarded windows, added fire extinguishers and alarms, and carted away semi-trailers of trash and debris. A fire suppression system would cost \$300,000 for the building, and they don't have the funds. The wood in the building is processed within 24 hours of reaching the building, and a dust vent system was being set up for the rotochopper. It is 20 feet to the rafters, and, except for 10 foot tall stacks of drywall, you can see over most of the storage piles. The building has a central division, with construction on one side and scrapyard on the other. T.J. Burns, Indianapolis Fire Department, asked the Commission to table the application in order to work out some problems. Commissioner Ogle moved to table, with the second by Commissioner Brown. It was voted upon and carried.

- (24) 11-05-9 All About Storage, Hobart

Caroline and Martin Yanovic, owners, spoke as proponents. The request was to omit sprinklers in the second floor of their business, which serves as their home. They have a 2-hour fire separation from the lower level, and 2 exits from the second floor. They will install additional detection systems. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Hawkins. It was voted upon and carried with one nay.

- (25) 11-05-10 Americold Freezer Expansion, Indianapolis

Michael Jones, architect, spoke as proponent. The request was to allow the southwest side of the building to be closer than 60 feet to the property line allowed by code. This section is bordered by a railroad right-of-way, 70 feet wide at the narrowest point. There are in-rack sprinklers for the storage systems in the fully sprinklered building. Commissioner Ogle moved to approve, with the second by Commissioner Brown. It was voted upon and carried.

- (26) 11-05-11 Senior Care Inc, Indianapolis

Chester Newton, CEO, spoke as proponent. The request was to omit sprinklers in the rented space. The facility was to be used for daycare for adults. An estimate for a sprinkler system was approximately

\$6,000. Noting that the information was lower, by a substantial amount, than the usual amounts given, it was decided to table to allow the proponent time to get another quote for sprinklers and to have the architect review the plans to address exiting issues. Commissioner Christoffersen moved to table, with the second by Commissioner Corey. It was voted upon and carried.

(27) 11-05-12 IU Sports Complex Parking Garage, Indianapolis

Melissa Tupper, RTM Consultants, spoke as proponent. The request was to allow the 2-hour separation at each end of the pedestrian walkway connecting two parking garages to be omitted. Following discussion, Commissioner Hawkins moved to approve, with the second by Commissioner Christoffersen. It was voted upon and carried. Commissioner Brenner abstained.

(28) 11-05-13 Twilight Towers Dining Room Addition, Tell City

Gerald Shaffer, architect, and Bobbi Polster, Executive Director, spoke as proponents. The existing facility had one section constructed in 1968, and another portion in 1985. The 1985 portion is sprinklered, but the 1968 portion is not. A small, 1,171 square foot addition to the existing dining room and a 348 square foot canopy over the entry are being added to the 1968 portion of the facility. The building is of reinforced concrete construction with fire alarm, smoke and heat detection systems. To sprinkle the building would be approximately \$340,000, and HUD funds are running out. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Christoffersen. It was voted upon and carried with 2 nay votes.

(29) 11-05-44 Stanley Bostitch, Greenfield

Christina Colleter, RTM Consultants, spoke as proponent. An existing manufacturing facility had been taken over by Bostitch, refitted with some electrical upgrades, and their assembly lines installed. Exit travel distance exceeded that allowed by code by 3.6%. The building is fully sprinklered with a high hazard system. Following discussion, Commissioner Ogle moved to approve, with the second by Commissioner Christoffersen. It was voted upon and carried.

5. **Breaking and reconvening.** Chairman Hannum recessed the Commission at 10:28 a.m. He then reconvened the meeting, calling it back to order at 10:46 a.m. Commissioner Ogle left the meeting at this time.

(30) 11-05-16(a)(b)(c)(d)(e) University of Indianapolis Student Recreation Center, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. The request in variance (a) was to omit the sprinklers over the participant sport area. The offices and areas marked "future use" on the plans were sprinklered. Roll-in aluminum bleachers, with a capacity of 40 persons per set, were to be used for seating. Variance (b) was to allow the use of a standard alarm system with horns and strobes instead of a voice alarm system. It was thought this would be a more efficient delivery method due to the openness of the structure. Variance (c) was to allow a posted occupant load of 1405, although the calculated occupant load was 1,799. To install the two additional exits required by the calculated load would cost over \$100,000. The proponent felt the facility would not reach the proposed occupancy for most events. Variance (d) was to allow a height of 71 feet, while IIB construction is allowed 55 feet. The additional height was required for support of the dome. The fabric used for the structure met NFPA 701 requirements. Variance (e) was to omit standpipes required by code. The cost to install piping was over \$110,000. During a review with the Indianapolis Fire Department, an agreement was made to provide 1½ inch connectors. The proponent offered to reduce the posted occupant load to 1,200. Following discussion, Commissioner Christoffersen moved to approve all with the condition of a posted occupant load of 1,200. Commissioner Hawkins made the second. It was voted upon and carried.

- (31) 11-05-19 VFW Lehr Post #6246, Noblesville

Tony Nichols, Space and Site, and Hugh Ryan, contractor, spoke as proponents. The request was to allow an existing duplex and its new facility to be within 6½ feet of each other without code-compliant separation. The duplex is owned by the VFW, and the bank will allow it to be demolished only when \$150,000 had been paid toward the new facility. The building is fully sprinklered, including the basement. A garage, located within 30 feet of the building on the plans, was already demolished. Following discussion, Commissioner Brenner moved to approve for a period of three years. Commissioner Brown made the second. It was voted upon and carried. Commissioner Mitchell abstained.

- (32) 11-05-23 McGowan Office Building, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow only one exit from the roof top deck on the fully sprinklered, Type IIB construction office building. The deck was to be used by employees only. Following discussion, the proponent was to enclose the rear stair going directly to the exterior. Commissioner Brenner moved to approve with the condition that the occupant load be posted at 49 persons. Commissioner Christoffersen made the second. It was voted upon and carried, with one nay.

- (33) 11-05-24(a)(b)(c)(d) Penn Circle, Carmel

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. Variance (a) was to allow the use of a 2-hour fire barrier in lieu of the code required fire wall in Building Five. A compliant fire wall would go through a tenant's parking garage. The fire barrier was required to separate the building into two sets of four apartments per floor for exiting. Following discussion, Commissioner Hawkins moved to approve, with the second by Commissioner Christoffersen. It was voted upon and carried. Variance (b) was to allow a bike storage room, not considered a normally occupied room by code, to open into the exit passageway in Buildings 1, 2, and 4. They are separated by 1-hour construction, with rated door assemblies. The rooms and buildings are sprinklered. Following discussion, Commissioner Hawkins moved to approve, with the second by Commissioner Christoffersen. It was voted upon and carried, with two nays. Variance (c) was to allow unprotected openings within four feet of the fire wall termination. The sprinklered buildings were to have a close spaced sprinkler head above each opening within four feet of the termination. Following discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Hawkins. It was voted upon and carried. Variance (d) was a request to install counter and countertops in Type B units which do not comply with Chapter 11, but which do comply with Federal accessibility requirements. Commissioner Christoffersen moved to approve, with the second by Commissioner Brenner. It was voted upon and carried.

- (34) 11-05-27 JAE Hardwoods, Wolcottville

No proponent was present to answer Commissioner Brown's questions. He questioned the ceiling protection, the possibility of including roof vents, how the 664 system was powered, and if a residential application was planned for the building. He also requested building plans. Commissioner Brown moved to table, with the second by Commissioner Mitchell. It was voted upon and carried.

- (35) 11-05-29(a)(b) Meadowview School, Topeka
11-05-31(a)(b) Hidden Cove, Shipshewana

No proponent was present to answer Commissioner Brown's questions. He asked if this were a wood framed structure, had a 13R system been considered, and would there be a teacher living there. Commissioner Hawkins moved to table both, with the second by Commissioner Brown. It was voted upon and carried.

- (36) 11-05-33(a)(b) Wuertz Office and Residence, Indianapolis

Melissa Tupper, RTM Consultants, spoke as proponent. Variance (a) was a request to omit the emergency escape and rescue openings for the 700 square foot single residence on the second floor of the office building. The bedroom was not on an exterior wall. The entire building was protected by sprinklers and fire alarm system. Variance (b) was a request to allow the change in use of the second floor residence without bringing the rest of the building up to current code. Stan Evans, owner, stated the building was over 100 years old, and the residence exited directly to the exterior. Following discussion, Commissioner Christoffersen moved to approve both (a) and (b), with the second by Commissioner Brenner. It was voted upon and carried.

- (37) 11-05-30 Hiner-Coffin Tanks, Knightstown

Tom Lane, owner, spoke as proponent. The request was to allow two underground tanks to remain in temporary closure status for a period of three years while the owner makes upgrades. The tanks are empty, vented, and regularly maintained. Commissioner Christoffersen moved to approve for a period of three years, with the second by Commissioner Brown. It was voted upon and carried.

- (38) 11-05-35(b)(c) Iotron Industries New Building, Columbia City

Ed Rensink, RTM Consultants, spoke as proponent. An accelerator with an electronic beam is used to sterilize and purify products for companies. The beam creates ozone when in use, making it an H-3 and H-4 occupancy during use. Variance (b) was to allow the concrete structure of the hazardous occupancy to not have 25% of the perimeter on an exterior wall. The area, hazardous only during operation of the beam, has an automated control system and is not occupied during use. Variance (c) was to allow exit travel distance which exceeded that allowed by code. The proponent stated that, due to the necessary set up maintained within the concrete shield, there was no practical way to provide direct access. Following discussion, Commissioner Brenner moved to approve both (b) and (c). Commissioner Christoffersen made the second. It was voted upon and carried.

- (39) 11-05-37 Commons Base Building and Streetscape, Columbus

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. An exit from a second floor outdoor deck at the downtown mall had a security gate at the landing, operated by panic hardware. Due to site constraints, the length of the landing did not equal the width of the stair. The request was to allow the landing to be shorter than required by code. Walter Knaepple, Fire and Building Code Enforcement, addressed the Commission, noting that the exit was a convenience exit, not required. Following discussion, Commissioner Mitchell moved to approve, with the second by Commissioner Brown. It was voted upon and carried.

- (40) 11-05-39 Raintree Center, New Castle

Mike Merchant, business owner, spoke as proponent. The request was to omit sprinklers. An actual seating area of 2,778 square feet allowed a calculated occupant load of over 300 persons in the existing building. The building was on a well, and no city water was available. There was no kitchen, just a prep area for caterers. Mr. Merchant planned to install a fire alarm system, and was asked to get information on smoke and heat detectors for the storage area. The owner, Gerald Dennis, noted the storage area had no electricity. Following discussion, Commissioner Hawkins moved to approve with the condition that a full NFPA 72 fire alarm system was installed, and all penetrations in the ceiling be properly firestopped, and the occupant load posted at 252 persons. Commissioner Christoffersen made the second. It was voted upon and carried.

- (41) 11-05-40 Hoosier Pride Farms LLC- Processing Facility, Bryant

Commissioner Brown had called out the variance. He noted that a conveyor belt somehow connected two buildings through the firewall. He asked if that meant they had a 24,253 square foot fire exposure because of it. Matt Bertke, owner representative, spoke as proponent. The request was to omit sprinklers. The building is part of an egg processing facility on a 104 acre farm, and had no public water system available to supply a sprinkler system. A firewall between the packaging area and the conveyor building had an unprotected opening to allow the conveyor to transport eggs from one building to another in their packaging process. Employees are the only occupants of the buildings. Further discussion determined that the building was agriculturally exempt. Commissioner Christoffersen moved that no variance was required, with the second by Commissioner Brenner. It was voted upon and carried.

6. **Breaking and reconvening.** Chairman Hannum recessed the Commission at 12:00 p.m. for lunch. He then reconvened the meeting, calling it back to order at 1:01 p.m.

- (42) 11-05-41 Dave's Lake Shack, Fremont

Michael Christoffersen, Architectural Designs, Inc, spoke as proponent. An existing restaurant/bar had a storage building attached to it, which the owner wanted to convert to additional seating for his restaurant. The storage building had originally been an ice cream shop. The request was to omit sprinklers in the expanded business. The combined area is less than 4,300 square feet, with six exits directly to the exterior. The kitchen was to be closed off by a wall, with Type I hoods already installed over the equipment. The buildings are on Snow Lake, and do not have public water available. Following discussion, Commissioner Hawkins moved to approve, with the second by Commissioner Brenner. It was voted upon and carried. Commissioner Christoffersen abstained.

- (43) 11-05-42 Nightmare on Edgewood / Southside Massacre, Indianapolis

Kevin and Paul Cook, owners, spoke as proponents. The haunted house consisted of a pole barn, owned by the park, and eight semi trailers connected by bridges to form the facility. It had been inspected for years as a haunted house, but never as a Class 1 structure. The request was to be declared a Class 1 structure without having to comply with the requirements of one. Each trailer had 2 smoke alarms, interconnected, with battery backup. Fire extinguishers were placed every 25 feet. Three trained workers were assigned to each semi, each equipped with flashlight and radio. Fire retardant was applied to appropriate surfaces. There were no open flames, no propane, no fireworks or sparklers. Power boards for the haunted house were in 4 locations to distribute the load evenly. Their two million dollar insurance coverage started 15 days before opening and carried through to 15 days after closing. Lonnie Lagle, Fire and Building Code Enforcement, addressed the Commission. He had inspected the grounds for several years and had always been satisfied with their operations, and commended them on their professionalism. T.J.Burns, Indianapolis Fire Department, stated he had not gotten any plans for their haunted house and was concerned about their driving surfaces and whether or not a fire truck could access the facility. The proponent explained that there had been fire trucks in the park and that the surface was paved. State Fire Marshal Jim Greeson spoke, explaining the office wanted to make the codes involved in haunted houses clear to those who owned/operated them and to those who inspected them. Following a lengthy discussion, Commissioner Christoffersen moved to approve, with Commissioner Brenner making the second. It was voted upon and carried with 2 nays.

- (44) 11-05-46 Village On the Green, Parcel 7-C-8 Theater Support Space, Carmel

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The request was to allow an aluminum storefront system opening in a firewall between the office and parking garage of the theater. Code requires openings to be rated. The opening was to be protected with close spaced sprinklers, and the windows fitted with tempered or laminated glass. The application originally stated sprinklers would be installed on both sides of the glass, but had now changed to only the interior side of the glass. Following discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Hawkins. It was voted upon and carried.

(45) 11-05-48 D-A Lubricants, Lebanon

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. In variance (a), a “tank farm” was to be installed inside the facility, but they were unable to find a sprinkler standard to cover this particular hazard. A foam system which will generate 3 to 4 feet of foam over the tanks was to be installed, and a back-up system of an overhead sprinkler was to be installed. They felt they would be able to design a lay-out which would not counter the effectiveness of the foam in this case. After discussion, Commissioner Mitchell moved to approve, with the second by Commissioner Brown. It was voted upon and carried.

Variance (b) was a request to omit smoke and heat venting over the tanks. It was thought they would not interact well with the sprinkler systems and cause them to fail. There were vent fans over the tanks. Variance (c) was to have a 400 foot travel distance without the required ESFR system throughout the building. Portions of the building are protected with a system which is not ESFR. After discussion, Commissioner Christoffersen moved to approve both (b) and (c), with the second by Commissioner Hawkins. It was voted upon and carried. Variance (d) was a request to install a gaseous fire extinguishing system in the computer room instead of the traditional sprinkler system to reduce potential damage to equipment, and still be allowed the trade off for a fully sprinklered building. After discussion, Commissioner Mitchell moved to approve, with the second by Commissioner Christoffersen.

(46) 11-05-50 Hindu Temple Expansion, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. Staff had recommended that no variance was required. They felt that code did not require accessibility from the existing structure to the addition once within the building. Following discussion, Commissioner Christoffersen moved that no variance was required, with the second by Commissioner Brenner. It was voted upon and carried.

(47) 11-05-51 Tivoli Theater Community Center, Spencer

Timothy Callas, J & T Consulting, spoke as proponent. April Hensley, architect, and Vickie Maxey, owner’s representative, also spoke. The theater had stood empty for some time until grant money had been found to re-use the building. The building will change occupancy to an A-2, using tables and chairs instead of theater seating, with a lower occupant load than previously posted. The request was to allow a score of “0” for mixed occupancy on the Section 3410 score sheet, instead of the score of -10. Following discussion, Commissioner Hawkins moved to approve, with the second by Commissioner Christoffersen. It was voted upon and carried with one nay.

(48) 11-05-52 Shorewood Shops – Garage Outfitters, Ft. Wayne

Tim Callas, J & T Consulting, spoke as proponent. An existing retail center was divided into three fire areas, divided by 2-hour fire barriers when constructed in the mid-2000’s. The request was to allow the tenant occupancy without installation of firewalls or sprinklers as are required under the current code for the build-outs. The building was Type VB construction, noncombustible except for plywood nailer on the front and half of the sides for a brick façade. Metal studs and drywall went from the slab foundation to the roof deck. Following discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Brenner. It was voted upon and carried.

- (49) 11-05-1 St. Mary's Medical Center Fire Hose/Cabinet Removal, Evansville

The missing information had been received, which completed the application. It had been given an "A" rating by staff, and would have qualified for the block vote. Commissioner Corey moved to approve, with the second by Commissioner Mitchell. It was voted upon and carried.

7. **Request for Revocation of Variance 10-07-35 (Riverwalk, Evansville)**

The Agency had requested that this be tabled for thirty days. Commissioner Christoffersen moved to table, with the second by Commissioner Brenner. It was voted upon and carried.

8. **Discussion of 675 IAC 12-4-12(j)**

A discussion of the Indiana Energy Conservation Code was held. The question of the grandfathering clause for buildings constructed before 1978 was discussed. The Commission determined that 675 IAC 12-4-12(j) was still in effect.

9. **Discussion Concerning Section 5.6 of ASHRAE 90.1**

Commissioner John Hawkins had been asked to look at Section 5.6 of ASHRAE 90.1 and to provide a report for the Commission. He had provided a report which compared the Prescriptive Building Envelope Option, the Building Envelope Trade-Off Option, and the Energy Cost Budget Method which had been in Section 11 and was deleted by Indiana amendment. He felt that the Trade-Off Envelope Method was allowed by the language of the Indiana Code because the "budget building" used in Sec. 5.6 did not refer to Section 11, and the deletion makes demonstration of compliance more difficult in Indiana.

10 **New Business – General.**

Discussion and Possible Commission Action – Nonfinal Orders of Dismissal

Salamonia Community Center
Administrative Cause No. 10-32
Order – Fire and Building Code Enforcement
Notice of Nonfinal Order of
Administrative Law Judge

Chairman Hannum stated he had an issue with this notice. He stated that when the variance was granted, the proponent said he would maintain accessibility. Nowhere in the Nonfinal order did it state that he had failed to keep the ramp compliant, and he wanted to know if you could get a wheelchair up and down that ramp. James Schmidt, Deputy Attorney General, advised Chairman Hannum of the options available to the Commission for action on the Nonfinal order. Following further discussion, Commissioner Corey made a motion to remand the order to the Administrative Law Judge to determine if a wheelchair will go down the ramp. Commissioner Hawkins made the second. It was voted upon and carried.

Discussion and Possible Commission Action – Appeals

Kilroy's Bar "N Grill
Order – Fire and Building Code Enforcement

Garvin Industrial Associates
Denial of Application for Construction Design Release

Brumfield II Apartments
Revocation of Construction Design Release

Unitarian Universalist Fellowship of Elkhart
Denial of Variance 11-04-48

Watercourt Building
Order – Elevator Division

Inspection of Elevators #34611, 34371, 34372, 114086
Order – Elevator Division

Commissioner Corey moved to grant all of the appeals, with the second by Commissioner Hite. It was voted upon and carried.

11. Comments

Mara Snyder, Director, Legal and Code Services noted that Commissioner Brown would be helping with the fiscal impact for the NFPA updates. She hoped to have rules ready to go to the Budget Agency for their fiscal review and done by the end of the year. LSA Doc.#11-84 is the revised chapter of the Residential Code for energy code compliance and has been submitted to the State Budget Agency.

10. **Adjournment.**

Chairman Hannum called for further business, and upon hearing none, he adjourned the meeting at 2:45 p.m.

APPROVED _____
David Hannum, Chairman